Federal Legislation Tracking
Cyberspace Committee of the Business Law Section
of the California State Bar
(last updated: March 19, 2007)

110th Congress (2007-08)

TOPIC	BILL NO. (SPONSOR)	BILL NAME	SUMMARY	STATUS
Copyright	S. 256 (Feinstein))	Platform Equality and Remedies for Rights Holders in Music Act (PERFORM)	To harmonize rate setting standards for copyright licenses under section 112 and 114 of title 17, United States Code, and for other purposes.	1/11/2007: Introduced and referred to Senate Judiciary Committee
Criminal	H.R. 837 (Smith)	Internet Stopping Adults Facilitating the Exploitation of Today's Youth (SAFETY) Act of 2007'	To amend title 18, United States Code, to protect youth from exploitation by adults using the Internet, and for other purposes. Creates new crimes of financial and Internet facilitation of child pornography. Internet content hosting providers or email service providers who knowingly engage in conduct they know or have reason to believe facilitates access to, or the possession of, child pornography can be fined, imprisoned for up to 10 years, or both.	2/6/2007: Introduced and referred to House Judiciary Committee
E-Commerce	S.156 (Wyden)	Permanent Internet Tax Freedom Act of 2007	To make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent. Amends Section 1101(a) of the Internet Tax Freedom Act (47 U.S.C. 151) by striking `taxes during the period beginning November 1, 2003, and ending November 1, 2007:' and inserting `taxes:'.	1/4/2007: Introduced and referred to Senate Commerce Committee

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E-Commerce	H.R. 743 (Eshoo)	Permanent Internet Tax Freedom Act of 2007	Companion to S.156: To make the moratorium on Internet access taxes and multiple and discriminatory taxes on electronic commerce permanent. Text identical to S.156	1/31/2007: Introduced and referred to House Judiciary Committee
E-Commerce	H.R. 1077	Internet Consumer Protection Act of 2007	Identical to S.156; would amend the Internet Tax Freedom Act to make permanent the moratorium on certain taxes relating to the Internet and to electronic commerce.	2/15/2007: Introduced and referred to House Judiciary Committee
E-Commerce	H.R. 194 (Paul)	Prescription Drug Affordability Act of 2007	Among other things, would repeal provisions restricting the importation of prescription drugs and prohibit the FDA from taking any action against those involved with the interstate sale of a prescription drug through an Internet site if: (1) the sale was made in compliance with applicable Federal and State laws; and (2) accurate information regarding compliance with such laws is posted on the Internet site.	1/4/2007: Introduced and referred to the House Energy and Commerce Committee and the House Ways and Means Committee
E-Commerce	S.596 (Gregg)	Safe Internet Pharmacy Act of 2007	A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of Internet pharmacies	2/14/2007: Introduced and referred to Senate Committee on Health, Education, Labor and Pensions
E-Commerce	S.242 (Dorgan)	Pharmaceutical Access and Drug Safety Act of 2007	To amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes. NOTE: Identical to H.R. 380. Would eliminate certain restrictions regarding the importation of prescription drugs and would regulate the activities of Internet pharmacies.	3/7/2007: Introduced and referred to Senate Commerce Committee
E-commerce	H.R. 380	Pharmaceutical Access and Drug Safety Act of	To amend the Federal Food, Drug, and Cosmetic Act with respect to the importation	1/10/2007: Introduced and referred to House Energy and Commerce

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	(Emanuel)	2007	of prescription drugs, and for other purposes. NOTE: Identical to S.242. Would eliminate certain restrictions regarding the importation of prescription drugs and would regulate the activities of Internet pharmacies.	Committee
E-commerce	S.568 (Brownback)	Truth in Video Game Rating Act	A bill to prohibit deceptive conduct in the rating of video and computer games, and for other purposes Would require video game ratings organizations to play all games "in their entirety" before issuing ratings, and would prohibit game designers from including any "hidden" content that users can later unlock.	2/13/2007: Introduced and referred to Senate Commerce Committee
E-commerce	H.R. 1531 (Upton)	Video Game Decency Act of 2007	To prohibit deceptive acts and practices in the content rating and labeling of video games Would make it unlawful to distribute video games with age-based content rating obtained via failure to disclose full game content.	3/15/2007: Introduced and referred to House Energy and Commerce Committee
Free Speech	S.1 (Reid)	Legislative Transparency and Accountability Act of 2007	A bill to promote greater transparency in the legislative process. (Ethics reform.) This legislation garnered significant early publicity because of Section 220, which would have required lobbyists to disclose paid efforts to stimulate grassroots lobbying, so-called "Astroturf" lobbying. Some commentators believed it would have required political bloggers to register as lobbyists if they earned or spent more than $25,000 per quarter and encouraged their readers to contact their elected representatives. Section 220 was	1/18/2007: Passed Senate with bipartisan support

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			removed from the bill prior to passage.	
Free Speech	H.R. 275 (Smith)	Global Online Freedom Act of 2007	To promote freedom of expression on the Internet, to protect United States businesses from coercion to participate in repression by authoritarian foreign governments, and for other purposes. Reworked version of Smith's 2006 legislation. Would establish a federal Office of Internet Freedom, which would designate Internet-restricting countries. Would prohibit U.S. countries from locating personally identifiable information within an Internet-restricting country, restrict their ability to disclose such information to foreign officials, and require them to report to the Office of Internet Freedom any censorship of content or filtering of search results undertaken to comply with foreign law or at the request of foreign officials.	2/5/2007: Introduced and referred to House Energy and Commerce and House Foreign Affairs Committees
Free Speech/ Children's Privacy	S.49 (Stevens)	Protecting Children in the 21st Century Act	A bill to amend the Communications Act of 1934 to prevent the carriage of child pornography by video service providers, to protect children from online predators, and to restrict the sale or purchase of children's personal information in interstate commerce. A reworked version of Stevens' "Deleting Online Predators Act," which failed to pass the Senate in the 109th Congress. Among other things, would require schools and libraries to block access to commercial social networking sites. Title III, the Children's Listbroker Privacy Act, would outlaw most purchases and	1/4/2007: Introduced and referred to Senate Commerce Committee

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			sales of children's personal data.	
Free Speech	H.R. 1120 (Kirk)	Deleting Online Predators Act of 2007	To amend the Communications Act of 1934 to require recipients of universal service support for schools and libraries to protect minors from commercial social networking websites and chat rooms. Reintroduced version of DOPA, which passed the House but not the Senate in 2006.	2/16/2007: Introduced and referred to House Commerce Committee
General	S. 215 (Dorgan) (9 cosponsors incl. Boxer, Clinton and Obama)	Internet Freedom Preservation Act	A bill to amend the Communications Act of 1934 to ensure net neutrality	1/9/2007: Introduced and referred to Senate Committee on Commerce, Science and Transportation
General	H.R. 42 (Velazquez)	Serving Everyone with Reliable, Vital Internet, Communications, and Education Act of 2007	To amend the Communications Act of 1934 to continue in effect and expand the Lifeline Assistance Program and the Link Up Program, and for other purposes. Would expand existing telecommunications access programs to provide broadband Internet access for low-income customers.	1/4/2007: Introduced and referred to House Energy and Commerce Committee
General	H.R. 1008 (Bean) (49 cosponsors)	Safeguarding America's Families by Enhancing and Reorganizing New and Efficient Technologies Act of 2007 (SAFER NET)	To improve public awareness in the United States regarding safe use of the Internet through the establishment of an Office of Internet Safety and Public Awareness within the Federal Trade Commission.	2/13/2007: Introduced and referred to House Energy and Commerce Committee

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Privacy (Data Mining)	S.236 (Feingold)	Federal Agency Data Mining Reporting Act of 2007	Would require all federal agencies to report to Congress within 180 days, and every yea r thereafter, on data mining programs being developed or used, and on civil liberties impacts of those programs. Also introduced in 2006 session.	1/10/2007: Introduced and referred to Senate Judiciary Committee 3/15/2007: committee hearing
Privacy (Data Security)	H.R. 516 (Davis)	Federal Agency Data Privacy Protection Act	To increase the security of sensitive data maintained by the Federal Government. Would require federal agencies to maintain "sensitive data" (including Social Security numbers, health records and tax records) in encrypted form, would limit offsite access to such data by government employees, and would limit access to such data by government contractors.	1/17/2007: Introduced and referred to House Committee on Oversight and Government Reform
Privacy (Notice of data breach)	S.239 (Feinstein)	Notification of Risk to Personal Data Act	Would require federal agencies and people engaged in interstate commerce in possession of data containing sensitive, personally identifiable information to disclose any breach of such information. Sensitive information is defined as a person's name in combination with various other data elements (e.g., Social Security number) or financial account number in combination with PIN/access code. No encryption requirement.	1/10/2007: Introduced and referred to Senate Judiciary Committee
Privacy	S.699 (Allard)	Social Security Number Fraud and Identity Theft Prevention Act	A bill to prevent the fraudulent use of social security account numbers by allowing the sharing of social security data among agencies of the United States for identity theft prevention and immigration enforcement purposes, and for other purposes.	2/28/2007: Introduced and referred to Senate Judiciary Committee

TOPIC	BILL NO. (SPONSOR)	BILL NAME	SUMMARY	STATUS
Privacy (Data security, breach notification)	S. 495 (Leahy)	Personal Data Privacy and Security Act	To prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information. Would require U.S. companies to implement a personal data privacy and security program meeting specified standards and give notice when a security breach occurs; would empower the Federal Trade Commission to conduct an audit of security controls after a breach occurs; would create criminal penalties for failure to provide the required notice. Title II would require data brokers to comply with individual requests to disclose (for a reasonable fee) data held regarding that individual, and would require brokers to correct information once notified that it is incorrect. Noncompliance would result in civil penalties, and willful noncompliance would result in enhanced penalties of up to $250,000 per violation.	2/6/2007: Introduced and referred to Senate Judiciary Committee
Privacy	H.R. 220 (Paul)	Identity Theft Prevention Act of 2007	To amend title II of the Social Security Act and the Internal Revenue Code of 1986 to protect the integrity and confidentiality of Social Security account numbers issued under such title, to prohibit the establishment in the Federal Government of any uniform national identifying number, and to prohibit Federal agencies from imposing standards for identification of individuals on other agencies or persons.	1/5/2007: Introduced and referred to the House Ways and Means and House Government Oversight and Reform Committees

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Privacy (Breach notification)	H.R. 836 (Smith)	Cyber-Security Enhancement and Consumer Data Protection Act of 2007	Among other things, would create a federal crime of failing to notify federal law enforcement authorities of "major security breaches."	2/6/2007: Introduced and referred to House Judiciary Committee
Privacy (Data security)	H.R. 336 (Davis)	Identity Theft Prevention and Timely Reporting Act of 2007	To require the distribution by the National Technical Information Service of monthly updates of the Death Master List prepared by the Social Security Administration to all nationwide consumer reporting agencies, to require such consumer reporting agencies to maintain a permanent fraud alert in each file of a consumer whose name appears on the Death Master List, and for other purposes.	1/9/2007: Introduced and referred to House Financial Services Committee
Privacy (Breach notification)	H.R. 136 (Gallegly)	Identity Theft Notification Act of 2007	To amend title II of the Social Security Act to provide that individuals and appropriate authorities are notified by the Commissioner of Social Security of evidence of misuse of the Social Security account numbers of such individuals.	1/4/2007: Introduced and referred to House Ways and Means Committee
Privacy (Data security)	H.R. 138 (Gallegly)	Employment Eligibility Verification and Anti-Identity Theft Act	To require an employer to take action after receiving official notice that an individual's Social Security account number does not match the individual's name, and for other purposes.	1/5/2007: Introduced and referred to House Judiciary, Ways and Means, and Education and Labor Committees
Privacy (Data security)	S. 806 (Pryor)	Consumer ID Protection and Security Act	A bill to give consumers tools to protect themselves from ID theft by allowing them to prevent unauthorized access to their credit reports, and for other purposes. Would create federal credit freeze law, with specified allowable fees for setting and lifting freezes.	3/7/2007: Introduced and referred to the Senate Banking, Housing & Urban Affairs Committee

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Privacy (Pretexting)	S. 92 (Stevens)	Protecting Consumer Phone Records Act	A bill to amend the Communications Act of 1934 to prohibit the unlawful acquisition and use of confidential customer proprietary network information, and for other purposes.	1/4/2007: Introduced and referred to Senate Commerce Committee
Software (Privacy)	H.R. 964 (Bono/Towns) (30 cosponsors)	The Securely Protect Yourself Against Cyber Trespass Act, or SPY ACT	To protect users of the Internet from unknowing transmission of their personally identifiable information through spyware programs, and for other purposes. Would make it unlawful to engage in unfair or deceptive acts or practices, including: (1) taking unsolicited control of the computer; (2) modifying computer settings; (3) collecting personally identifiable information; (4) inducing the owner or authorized user to disclose personally identifiable information; (5) inducing the unsolicited installation of computer software; and (6) removing or disabling a security, anti-spyware, or anti-virus technology. Would also make it unlawful for a person to: (1) transmit to a protected computer any information collection program (a program that collects personally identifiable information and uses the information to send advertising), unless such program provides notice required by this Act before execution of any of the program's collection functions; or (2) execute any collection information program installed on a protected computer unless, before execution, the user has consented to such execution under notice requirements of this Act. Provides an exception with respect to Web pages visited within a particular website when the information collected is sent only to the provider of the website accessed.	Introduced 2/8/2007, referred to House Committee on Energy and Commerce

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			Earlier versions of this bill passed the House in 2004 and 2005.	
Software (Privacy)	H.R. 1525 (Lofgren, Goodlatte)	Internet Spyware (I-SPY) Prevention Act of 2007	To amend title 18, United States Code, to discourage spyware, and for other purposes. How differs from H.R. 964: Rather than attempting to define what illicit software is, it would make it a crime to copy computer code on a machine without authorization if doing so divulges personal information about a user or "impairs" a computer's security. It also proposes criminal penalties of up to five years in prison for violators. Earlier version of this bill passed the House in two sessions.	Introduced March 15, 2007 and referred to House Judiciary Committee
Telecom	H.R. 251 (Engel)	Truth in Caller ID Act of 2007	To amend the Communications Act of 1934 to prohibit manipulation of caller identification information, and for other purposes. Earlier version of this bill passed the House in the 109th Congress. Makes it unlawful for any person to transmit misleading or inaccurate Caller ID information with the intent to defraud, whether the transmission occurs via telecommunications service or VOIP.	1/5/2007: Introduced and referred to House Energy and Commerce Committee
Telecom (VOIP)	S. 428 (Nelson)	IP-Enabled Voice Communications and Public Safety Act of 2007	Would amend the Wireless Communication and Public Safety Act of 1999 to require that VOIP providers provide 911 and E911 service in accordance with FCC regulations.	1/30/2007: Introduced and referred to Senate Commerce Committee
Telecom (VOIP)	H.R. 740	Preventing Harassment through Outbound Number Enforcement	To amend title 18, United States Code, to prevent caller ID spoofing, and for other	3/8/2007: Scheduled for debate by full House

TOPIC	BILL NO. (SPONSOR)	BILL NAME	SUMMARY	STATUS
	(Scott)	(PHONE) Act of 2007	purposes. Applies to telecom and VOIP calls.	

OTHER ACTIONS/HEARINGS:

ACTION	COMMITTEE/SUBCOMMITTEE	TOPIC/TITLE	SUMMARY	STATUS